

109TH CONGRESS
1ST SESSION

S. 1378

To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2005

Mr. TALENT (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NATIONAL HISTORIC PRESERVATION ACT**
4 **AMENDMENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “National Historic Preservation Act Amendments Act of
7 2005”.

1 (b) REFERENCE.—A reference in this Act to “the
2 Act” shall be a reference to the National Historic Preser-
3 vation Act.

4 (c) HISTORIC PRESERVATION FUND.—Section 108 of
5 the Act (16 U.S.C. 470h) is amended by striking “2005”
6 and inserting “2011”.

7 (d) MEMBERSHIP OF ADVISORY COUNCIL ON HIS-
8 TORIC PRESERVATION.—

9 (1) ADDITIONAL MEMBERS.—Section 201(a)(4)
10 of the Act (16 U.S.C. 470i(a)(4)) is amended by
11 striking “four” and inserting “seven”.

12 (2) ALLOWING DESIGNEE FOR GOVERNOR MEM-
13 BER.—Section 201(b) of the Act (16 U.S.C. 470i(b))
14 is amended by striking “(5) and”.

15 (3) QUORUM.—Section 201(f) of the Act (16
16 U.S.C. 470i(f)) is amended by striking “Nine” and
17 inserting “Eleven”.

18 (e) FINANCIAL AND ADMINISTRATIVE SERVICES FOR
19 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—
20 Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended
21 to read as follows:

22 “(f) Financial and administrative services (including
23 those related to budgeting, accounting, financial reporting,
24 personnel and procurement) shall be provided the Council
25 by the Department of the Interior or, at the discretion

1 of the Council, such other agency or private entity that
 2 reaches an agreement with the Council, for which pay-
 3 ments shall be made in advance or by reimbursement from
 4 funds of the Council in such amounts as may be agreed
 5 upon by the Chairman of the Council and the head of the
 6 agency or, in the case of a private entity, the authorized
 7 representative of the private entity that will provide the
 8 services. When a Federal agency affords such services, the
 9 regulations of that agency for the collection of indebted-
 10 ness of personnel resulting from erroneous payments (5
 11 U.S.C. 5514(b)) shall apply to the collection of erroneous
 12 payments made to or on behalf of a Council employee and
 13 regulations of that agency for the administrative control
 14 of funds (31 U.S.C. 1513(d), 1514) shall apply to appro-
 15 priations of the Council. The Council shall not be required
 16 to prescribe such regulations.”.

17 (f) DONATION AUTHORITY OF THE ADVISORY COUN-
 18 CIL ON HISTORIC PRESERVATION.—Section 205(g) of the
 19 Act (16 U.S.C. 470m(g)) is amended—

20 (1) by striking “obtain,” and inserting “solicit
 21 and obtain,”; and

22 (2) by striking “may also receive” and inserting
 23 “may also solicit and receive”.

24 (g) APPROPRIATION AUTHORIZATION OF THE ADVI-
 25 SORY COUNCIL ON HISTORIC PRESERVATION.—Section

1 212(a) of the Act (16 U.S.C. 470t(a)) is amended by
 2 striking “for purposes of this title not to exceed
 3 \$4,000,000 for each fiscal year 1997 through 2005” and
 4 inserting “such amounts as may be necessary to carry out
 5 this title”.

6 (h) EFFECTIVENESS OF FEDERAL GRANT AND AS-
 7 SISTANCE PROGRAMS IN MEETING THE PURPOSES AND
 8 POLICIES OF THE NATIONAL HISTORIC PRESERVATION
 9 ACT.—Title II of the Act is amended by adding at the
 10 end the following new section:

11 **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND AS-**
 12 **SISTANCE PROGRAMS.**

13 “(a) COOPERATIVE AGREEMENTS.—The Council may
 14 enter into a cooperative agreement with any Federal agen-
 15 cy that administers a grant or assistance program for the
 16 purpose of improving the effectiveness of the administra-
 17 tion of such program in meeting the purposes and policies
 18 of this Act. Such cooperative agreements may include pro-
 19 visions that modify the selection criteria for a grant or
 20 assistance program to further the purposes of this Act or
 21 that allow the Council to participate in the selection of
 22 recipients, if such provisions are not inconsistent with the
 23 grant or assistance program’s statutory authorization and
 24 purpose.

1 “(b) REVIEW OF GRANT AND ASSISTANCE PRO-
2 GRAMS.—The Council may—

3 “(1) review the operation of any Federal grant
4 or assistance program to evaluate the effectiveness
5 of such program in meeting the purposes and poli-
6 cies of this Act;

7 “(2) make recommendations to the head of any
8 Federal agency that administers such program to
9 further the consistency of the program with the pur-
10 poses and policies of the Act and to improve its ef-
11 fectiveness in carrying out those purposes and poli-
12 cies; and

13 “(3) make recommendations to the President
14 and Congress regarding the effectiveness of Federal
15 grant and assistance programs in meeting the pur-
16 poses and policies of this Act, including rec-
17 ommendations with regard to appropriate funding
18 levels.”.

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